

**The Ohio Department of Agriculture and the National Pollutant Discharge  
Elimination System Program – Program Revision under 40 CFR Part 123**

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**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

July 8, 2015

Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Dear Ms. Hedman:

The State of Ohio is pleased to submit the enclosed description of the Ohio National Pollutant Discharge Elimination System (NPDES) program and related documents for transfer of certain regulatory responsibility from the Ohio Environmental Protection Agency to the Ohio Department of Agriculture. I request approval as provided under Clean Water Act Section 402(b) (33.U.S.C. §1342(b)) of the NPDES program.

Pursuant to 40 C.F.R. Part 123, the enclosures include:

- The NPDES Program Description that explains the processes the state will use to carry out the responsibilities in accordance with 40 CFR §123.22;
- A Memorandum of Agreement that defines how the NPDES program will be administered by the Ohio Department of Agriculture and reviewed by the U.S. Environmental Protection Agency, Region 5 (EPA), in accordance with 40 C.F.R. §123.24.
- Copies of all applicable portions of Ohio Statutes and the Ohio Administrative Code, including Ohio Revised Code Chapter 903 governing the administration and enforcement of the NPDES program, as well as rules contained in Ohio Administrative Code Chapter 901:10 covering administrative procedures, enforcement and appeal procedures, effluent limitations, and other provisions necessary to administer and enforce NPDES permits for concentrated animal feeding operations that are subject to NPDES program requirements under the Clean Water Act.
- A statement from the Ohio Attorney General certifying that Ohio's laws and regulations provide adequate authority to implement a National Pollutant Discharge Elimination System program, in accordance with 40 C.F.R. §123.23, will be sent to you under separate cover.

The State of Ohio is confident that the enclosures provide sufficient documentation for the EPA to determine that the Ohio Department of Agriculture possesses adequate authority to implement the proposed NPDES program in accordance with the Clean Water Act Section 402(b) and 40 C.F.R. Part 123. I look forward to receiving U.S. EPA's timely approval and working with you to administer this very important Clean Water Act program. Thank you in advance for your consideration of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kasich", with a large, stylized flourish at the end.

John Kasich  
Governor

Enclosures

cc: Tinka Hyde, Director, Water Division, EPA Region 5